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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,336	04/07/2000	David M. Tumey	06.2916.004	9586

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EXAMINER

HESELTIME, RYAN J

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/545,336

Applicant(s)

TUMEY ET AL.

Examiner

Ryan J Hesseltine

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to because the top margin is not adequate. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (USPN 6,038,333) in view of Hiramatsu (USPN 5,180,901) and further in view of Morinaga (USPN 6,137,685).
5. Regarding claim 1, Wang discloses a non-invasive human user identification and verification system, comprising: a hand-held personal person identifier and management system (figure 2, element 20), a silicon-based video camera (23) embedded within said person identifier for gathering facial image data (column 8, line 19-31); non-volatile storage media for receiving and storing said digitized facial image data (column 4, line 54-61); communications interface (column 5, line 46-48) for transmitting said stored digitized facial image data to a central processor capable of receiving and manipulating said data to produce an output signal for use in

Art Unit: 2623

the identification and verification of said human user (column 3, line 20-34). A digitizer integrated within said smart card for digitizing said facial image data is not explicitly disclosed, but is inherently present in a system dealing with digital facial images consisting of pixel data (column 4, line 41-44).

6. Wang does not disclose that the person identifier and management system consists of a smart card, or that the system includes a docking port for receiving said smart card. Hiramatsu discloses an IC card with an individual authentication function comprising a smart card (figure 1, element 10; column 4, line 13-21) and a docking port for receiving said smart card and communicating said digitized image data therethrough (column 4, line 42-51). Hiramatsu does not disclose that the sensors (1, 3) include a video camera or that the memory stores facial image data. Morinaga discloses a portable electronic information device comprising an IC card with integrated electronic camera and an address table including facial image data (figure 1, element 28; column 5, line 38-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to put Wang's system into a smart card as taught by Hiramatsu in view of Morinaga in order to make the device smaller and more portable for more practical use as an identification card, a bank card, a credit card, or the like.

7. Regarding claim 2, Wang discloses a method for the identification and verification of a human user, comprising the steps of: capturing one or more first facial images at a remote enrollment station and digitizing said first facial images for storage in a non-volatile media within a person identifier and management system (figure 1, element 13; column 3, line 35-45); capturing one or more second facial images and digitizing and transmitting said second facial images to a central processor capable of receiving (column 5, line 19-28) and comparing said

first and second facial images and producing a signal indicative of recognition or non-recognition of said human user (column 5, line 5-13).

8. Wang does not disclose that the person identifier is a smart card, or a step of inserting said person identifier with embedded video camera into a docking port. It would have been obvious to one of ordinary skill in the art at the time the invention was made to put Wang's system into a smart card as taught by Hiramatsu in view of Morinaga in order to make the device smaller and more portable for more practical use as an identification card, a bank card, a credit card, or the like (see discussion of claim 1 above).

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPN 5,987,155 to Dunn et al. discloses a biometric input device with peripheral port.
- USPN 6,385,318 to Oishi discloses an encrypting, deciphering, and certifying method including biometric data stored on an IC card.
- USPN 5,991,468 to Murakami et al. discloses a card-type image sensor.
- EP 0 705 037 to Karube et al. discloses a PC card camera.
- GB 2 289 555 to Wilksa et al. discloses a device for personal communications, data collection and data processing and a circuit card.
- Pain et al. discloses a low-power digital camera-on-a-chip implemented in CMOS active pixel approach.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J Hesseltine whose telephone number is 703-306-4069.

The examiner can normally be reached on Monday - Friday, 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

rjh  
December 16, 2002

  
AMELIA M. AU  
SUPERVISORY PATENT EXAMINER  
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